

Minutes of a Regular Meeting of The Common Council of The Town of Clarkdale  
Held on Tuesday, April 8, 2003, in the  
Men's Lounge, Clarkdale Memorial Clubhouse, Clarkdale, Arizona.

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, April 8, 2003, at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse.

**Town Council:**

Mayor	Michael Bluff
Vice Mayor	Ellie Bauer
Councilmember	David Leibforth
	Rex Williams
	Tom Groom

**Staff:**

Town Attorney	Rob Pecharich
Town Manager	Gayle Mabery
Town Clerk	Joyce Driscoll
Planning Director	Lyle Richardson
Fire Chief	Berry Van Hook
Police Chief	Pat Haynie
Finance Director	Coleen Gilboy
Planner II	Steven Brown
Admin. Assistant	Charlotte Hawken

**Others in attendance:** Robyn Prud'homme-Bauer, Jerry Wiley, Sandy Martin, Angela Welles, Sandy Boothe, Angela Carver, Paul Handverger, Pat Williams, Fran Judd, Marsha Foutz and others who did not sign in.

**CALL TO ORDER** - Mayor Bluff called the meeting to order at 6:03 p.m. and noted that all Council members were present.

**Sandy Martin**, 771 Calle Medina, stated she realized later that the council's March 26<sup>th</sup> ruling on their grievance about paving the last 68 feet of Calle Medina was a revamp of Michael Bluff and Kim Butt's response to her January complaint about it, "When it's finished, you'll like it." She stated that putting the paving on the list of chip seal projects does not say that it is at the top of the list, nor does it say it will not be bumped from its place to a lower position. She stated that she and her neighbors have agreed to take the grievance to the state level, but she, the Nielsons and the Carvers asked that the Council reconsider its ruling. She asked that the

**PUBLIC COMMENT - Paul Handverger**, 90 S. Corral Circle, Cottonwood, a Clarkdale Water Advisory Committee member, stated he has one issue: water. He stated he opposes making the Ruskin land available to public ownership and future development. He stated that the day the Town can come up with an alternative 208 gallons per minute flow, he'll change his view. He stated that's what it is going to take, if the Town can hold the development to 1600 acres with 800 two-acre lots. He showed the Council a map with two dry wells and a proposed drilling location and the location of the Ruskin land. He stated that the trade puts at risk the water on all private land in that area and that the water in the Haskell Springs wells has gone down 11 inches in the last three weeks. He stated that the area is a very open conduit fractious limestone geology and when they go into it, the one with the biggest pump will pull it the furthest and the most. He stated he does not see how the Town could control it. He stated that in protest of the Council's action, he is ending almost 40 years of volunteer service for this community by withdrawing from the Water Advisory Committee. He stated this is not the time to open up more land within 4000 feet of Haskell Springs. He stated he doesn't understand the supporters of the trade because Clarkdale does not have the water.

grievance be placed on a Council agenda for reconsideration. She reiterated her position at the 3/26/03 council meeting regarding the paving of Calle Carillo and Calle Medina. She stated she thinks the town should hold Mr. Monihan, the project engineer, responsible. She stated the people on the end of Medina intend to hold their level five grievance to the Department of Commerce until Saturday, April 12 and they hope to have notification from the Town by then that their grievance will be reconsidered on the next agenda because they would prefer to work this out at the local level.

**Jerry Wiley**, 520 Todd Circle, suggested that the Council members read Chapter 8, 'Praying for Rain,' in the book Water Wars, by Diane Ward, as it would help in decisions relative to development and acquisition of development property. He stated the Council should have attended a talk by Mr. Halberson at Yavapai College regarding water.. Councilmember Leibforth noted that Mr. Halberson will make a presentation at the May 13<sup>th</sup> regular Council meeting.

**Sandy Boothe**, 123 Sunset, requested that the Council members in favor of the Ruskin trade, as it now stands, reiterate their positions on the trade as it affects the water here during that agenda item. She reported that the East Mingus Exchange has had three public meetings which covered all the concerns in listing criteria that they will use to evaluate potential trade areas. She stated that in two task force meetings the group has divided into three focus groups: 1) Evaluating the characteristics and developability of East Mingus parcels that are being offered to the Forest Service. Planning Director Lyle Richardson is in that group. 2) Potential protection strategies other than a trade for those areas. 3) Identifying potential Forest Service lands for trades. She is in that group. She stated that they learned from Mr. Bonomo there are no areas that the Forest Service considers islands in the Verde Valley that they would like to get rid of or that they consider expendable. Planning Director Lyle Richardson stated their goal is to understand the area they are talking about by touring the area. Their group will be providing the mapping, parcel identification and the topography. He noted the land owners have attended the general meetings but they will not be in the focus groups.

## INFORMATIONAL REPORTS

**MAYOR'S REPORT** - Mayor Bluff reported that Town Manager Mabery and he met with a group from Cottonwood regarding water company acquisition and they are making progress. He stated he and Vice Mayor Bauer attended the ground breaking of the Academic Resource Center at  
B) Claims - List of specific expenditures made by the

Yavapai College.

**TOWN MANAGER'S REPORT** - Town Manager Mabery reminded everyone that the grand opening of the Centerville Park will be on Saturday, April 12<sup>th</sup> from 3-6 p.m.

**CONSENT AGENDA** - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items approved with one motion. Any items may be removed for discussion at the request of any Council Member.

Vice Mayor Bauer requested that Item G be pulled. Without objection, Mayor Bluff moved by unanimous consent to approve Items A through K, excluding G. Town Manager Mabery asked if there were any Council questions on Item A, the minutes of March 18, 2003, regarding the use of the MVD building by the Heritage Conservancy Board. She suggested that a worksession be held on that item because staff is not clear on what the Council's intent was with that motion.

Regarding Item G, Vice Mayor Bauer noted she has a concern with the clean up after Operation Graduation before the pool opens the next day. Sandy Boothe stated she will take responsibility for the fence around the Clubhouse being removed by Saturday morning. Town Manager Mabery noted that staff has concerns with the timely removal of the fence also and with the barbed wire that was on the top of the fence last year. Councilmember Williams noted that last year there were a large number of trash bags in the vicinity on Saturday. Vice Mayor Bauer moved to approve the fee waiver request from Operation Graduation for the Clubhouse for their event on May 23, 2003. Mayor Bluff seconded and the motion passed unanimously.

A) Approval of Minutes of the Common Council - Approval of the minutes of the Regular Meeting held March 11, 2003 and the Special meetings held March 5, 10, 17, 18, 24, 25, 2003.

Town during the previous month.

- C) Board and Commission Minutes  
Library Advisory Board - March 6, 2003,  
Heritage Conservancy Board -  
March 5 & 26, 2003  
Parks and Recreation Comm. - March 17, 2003  
Design Review Board - March 12, 2003.  
Board of Adjustment - March 26, 2003.
- D) Reports - Approval of written Reports from  
Town Departments and Other Agencies  
Building Permit Reports - March, 2003  
Fire Department Report - March, 2003  
Police Department Report - March, 2003  
Cottonwood Area Transportation System -  
January and February, 2003  
Magistrate Court Report - March, 2003  
Verde Valley Humane Society - March, 2003
- E) **Resolution** - Approval of a resolution declaring  
as a public record that certain document filed  
with the Town Clerk and entitled "The 2002  
Amendments to the Tax Code of the Town of  
Clarkdale".
- F) **Ordinance** - Approval of an Ordinance relating  
to the privilege license tax; adopting "The 2002  
Amendments to the Tax Code of the Town of  
Clarkdale" by reference; establishing an effective  
date; providing for severability and providing  
penalties for violations.
- G) **Waiver of Fees** - Approval of a request by  
Operation Graduation to have fees waived for  
the use of the Clark Memorial Clubhouse.
- H) **Proclamation** - Approval of a proclamation  
proclaiming the month of April as Donate a Life  
Month.
- I) **Proclamation** - Approval of a proclamation  
proclaiming May 2, 2003 as Clarkdale Volunteer  
Appreciation Day.
- J) **Verde Canyon Railroad Signage** - Approval of a  
temporary sign to be added to the Town's  
monument sign located at the Broadway and  
Main Street intersection directing traffic to the  
Verde Canyon Railroad.

- K) **89A Traffic Signalization Plan** - Approval of the  
adoption of the ADOT 89A Traffic  
Signalization Plan and amendment procedure as  
presented at the March 25, 2003 council  
meeting and requiring that each signalized  
intersection include dedicated right turn lanes  
and two through traffic lanes in each direction  
on 89A.

**RECREATIONAL VEHICLE/CAMPING -**  
**Direction to Staff regarding the possible modifying**  
**town codes relating to camping and use of**  
**recreational vehicles.** Planning Director Lyle  
Richardson stated staff has received several  
complaints from residents about the use of  
recreational vehicles in single family district  
subdivisions. He stated they appear to fall into one  
of three categories:

- 1) Use during construction of a home.
- 2) Use as a guest residence for an existing single  
family home.
- 3) Camping on private property.

He stated there is a conflict in the ordinances in the  
Town and Zoning Codes. He suggested three  
things:

- 1) As far as the difference between the two codes,  
with minor language modification in the Town  
Code to indicate that you need to have the  
permission of the property owner and it needs to be  
within a designated camping area.
- 2) As far as people coming in as guests, staff feels  
that is a reasonable request for a stay of two weeks  
with a permit requirement to keep utilities  
satisfactory.
- 3) As far as construction needs, tie a conditional use  
permit to the issuance of a valid construction  
permit to allow reviewing the handling of the  
utilities.

The Council directed staff to draft changes regarding camping and construction uses.

**SCENIC DRIVE - Direction to Staff regarding the possible acquisition of Scenic Drive and direction pertaining to the improvement of Scenic Drive.** Discussion including the following issues:

- 1) Scenic Drive was a temporary easement for construction of Mingus View Estates and is now designated as a permanent easement.
  - 2) There is a \$10,000 fund, the income of which is used to maintain the dirt road.
  - 3) The state prevents the town from improving public property.
  - 4) Sections of the road would be required to be improved by a developer when subdividing property adjacent to the road.
- Town Attorney Pecharich noted that if the road was improved now by the town, an ordinance would notify the owner of requirement.
- 5) A narrow chip sealed road would have to be replaced by wider pavement upon development.
  - 6) Scenic Drive is heavily traveled and is a safer intersection than Black Hills Drive.
  - 7) If the town does an assessment and the road is developed, how is each portion handled?
  - 8) The town holds posted bonds until the project can be completed.
  - 9) Dedication of the right of way will be required as a collector road in the general plan.
  - 10) the road could be closed by the current owner.
  - 11) Adverse possession requires ten years of use.
  - 12) Improvement districts involves only the properties fronting on the improvement.

The Council continued this item to another agenda, when the new Public Works Director will be available.

*Statements from the public on the issue in question should be a major factor in determining the Town's*

**MINOR SUBDIVISION REVIEW - Direction to Staff regarding the possible creation of a minor subdivision review process.** The following issues were discussed:

- 1) The Planning Department is ready to address a minor subdivision review procedure, the goal of which is to maintain the same standard of construction as a large subdivision, but get through the process in half the time.
- 2) Addressing the owner of three acres who wants to split off two lots but doesn't want to put in the utilities, dry sewer lines, curb and gutter, sidewalks and paving.
- 3) Addressing the series of owners of small splits in one area.
- 4) Splitting lots without addressing the drainage and access issues.
- 5) Either the efficiency of the process can be improved or standard of the process can be reduced.
- 6) The ordinance allows for asking for a waiver from the Council from going through the subdivision process.
- 7) The Planning Department will begin by meeting with interested property owners.

**MAYOR'S ROLE - Consideration of the Mayor's role as a spokesperson for the Town of Clarkdale.** Councilmember Leibforth read the following statement:

*Mayor Bluff, purporting to speak on behalf of the town of Clarkdale, recently sent to the AZ congressmen and senators a letter in which he supported the Ruskin land trade.*

*Speaking for the entire community and delineating "the Town's position" on an issue should be based on evidence which is demonstrably true – not based merely on impressions or the personal views of the mayor.*

*official decision. The Council is a representative body. We serve the public and should look to them for*

guidance. This Council has too often ignored the public's comments and input. Even when all public input points in direction A, this Council majority has gone for choice B. Why?

Is it because the majority members of this Council are wiser and must "indulge" the public even while they ignore the public will? Is it because the part of the public which supports option B can't, or won't, attend Council meetings and speak up? These are public meetings with agenda access for everyone.

Is it because members of the Council majority get lots of calls from citizens supporting option B – callers who won't attend meetings but still feel strongly enough on an issue to call majority members of the Council only privately?

Let's tell it like it is – calls to Councillors are few and far between. Most people who have strong views on agenda items write and/or appear at the meetings and speak for themselves publicly, on the record.

When the Town takes an official stance on an issue, it must use caution:

A. Listen to the public;

B. Use rational and demonstrably true statements to explain the position taken.

Such action should come **only after** a public Council meeting – each and every time. If we have to vote as a Council to declare various special observances "Volunteer Recognition Day" or "Neighborhood Kindness Week", etc., shouldn't the statement of a Town's position on issues with potential long-term impacts, issues which are complex and controversial, be based on all due consideration through a public process? Why would anyone consider public input unnecessary or irrelevant?

The mayor in a town like Clarkdale does not lead or control what happens here. It is an uncompensated position, primarily ceremonial and symbolic. The primary responsibilities of the mayor here are signing documents approved by the Council, signing staff paychecks, and presiding at Council meetings. In addition, there is a P.R. responsibility in attending various functions and meetings on the Town's behalf.

There are also a few other responsibilities such as declaring a state of emergency, etc., but the mayor's "powers" are minimal.

We have a Town Manager with a staff to do the business of the Town. We have a Council which directs staff at times – mostly to research issues and provide documents for our use and consideration. Most importantly, we have the public, whom we are to serve. How we perform those services must be based on a number of factors, but the public input is crucial. At times, we can't follow public opinion because we can't legally do what the public may want us to – such as control water issues or refuse building permits based on water issues.

However, the incident that we are discussing here is one which should involve, and reflect, the public will and serve the public interest. The position the Council takes must be based on sound rationale.

In his letter, speaking for the Council and Town, Mayor Bluff states that Clarkdale supports the proposed US Forest-Ruskin trade. He makes this statement in spite of the fact that every time this topic has come before this body, virtually nobody in the general public has spoken in support of it. On the contrary, many have spoken against supporting it until we know the details.

The Council has not discussed this trade issue since last summer, when in spite of a roomful of people speaking against it, this Council majority voted to change the Town position to favoring it. Why? When asked, Mayor Bluff said: **"We did it because we can."**

Apparently, based on that previous vote and a recent request from Yavapai Ranch owner Fred Ruskin's lobbyist, Bill Feldmeier, Mayor Bluff wrote this new letter stating the "Town's support" of the Trade Proposal. Why? The mayor did not poll the Council outside of a Council meeting – that would be a violation of the Open Meeting Law. If the mayor took it for granted that the Council majority would support his own view, he circumvented the prescribed process, apparently deeming official action by the Council irrelevant.

*Perhaps the most distressing part of this situation is the endorsement of a trade, the details of which no member of the Council majority, including the mayor, knows. The House Bill endorsed was full of very dicey details and was, in fact, a non-starter in the U.S. Senate. A new Bill is being prepared. Can we hope that this time the Council will obtain a copy of the bill, study it, and only then provide an informed position on the specifics?*

*To issue a blanket endorsement of a bill, without being fully conversant with the details of this largest land exchange proposal in Arizona history, is not the way to serve the public interest. Endorsing the basic premise of this trade proposal, the elimination of "checkerboard" forest lands, certainly has merit. Some details will have merit as well. But many details might well raise red flags.*

Town Attorney Pecharich noted that open meeting laws require that the Council needs to confine itself to a general discussion of the mayor's role as spokesperson for the Town of Clarkdale. He also noted that the Mayor's duties are set forth by the Town Code and in terms of the Mayor having been directly elected, that may bestow more leadership attributes on the position.

Discussion included the following issues:

- 1) The Council made a decision regarding an issue, and that decision has not been challenged.
- 2) It is each Councilmember's, and particularly the Mayor's, responsibility to reiterate the position of the Council.

Town Attorney Pecharich noted that the Council can set a policy that would specify that neither the Mayor nor Councilmembers may sign a letter on behalf of the Town without Council approval. He also noted that any official of the Town, if they are going to act on behalf of the Town, need to confine their statements to what has been officially approved by the Town.

**FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.**

- 1) Mr. Halberson will address the Council on May 13.

**ADJOURNMENT** - With no further business before the Council and without objection, Mayor Bluff adjourned the meeting at 8:48 p.m.

**APPROVED:**

---

Michael Bluff, Mayor

**SUBMITTED:**

---

Charlotte Hawken, Admin. Assistant

**ATTESTED:**

---

Joyce Driscoll, Town Clerk